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The Honorable Michelle L. Peterson

MAY 17 2019

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DAVIS JOHN BATEMAN,  
Defendant.

CASE NO. MJ19-214 MLP

COMPLAINT for VIOLATION  
18 U.S.C. § 922(g)(1)

BEFORE United States Magistrate Judge Michelle L. Peterson, United States  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**

**(Felon in Possession of Ammunition)**

On or about April 23, 2019, in King County, within the Western District of  
Washington, DAVIS JOHN BATEMAN, knowing that he had been convicted of the  
following crimes punishable by imprisonment for a term exceeding one year, to wit:

- a. *Residential Burglary*, under cause number 15-1-07318-1, in King County  
Superior Court, Washington, on or about November 17, 2017;
- b. *Trafficking in Stolen Property in the First Degree*, under cause number 16-  
1-07831-8, in King County Superior Court, Washington, on or about  
November 17, 2017;

1 did knowingly possess, in and affecting interstate and foreign commerce, the following  
2 ammunition:

- 3 a. One round of Wolf .223 caliber ammunition;
- 4 b. One Federal 12 gauge shotgun shell;
- 5 c. One Federal 20 gauge shotgun shell;
- 6 d. One round of Remington .44 magnum ammunition;
- 7 e. One round of 7.62x39 ammunition;
- 8 f. One round of PMC 5.56 ammunition; and
- 9 g. One round of WPA .30-06 ammunition.

10 each of which had been shipped and transported in interstate and foreign commerce.

11 All in violation of Title 18, United States Code, Section 922(g)(1).

12 **The undersigned complainant, Ryan Kowalchuk, being duly sworn, hereby**  
13 **deposes and states as follows:**

14 2. I, Ryan J. Kowalchuk, am currently employed by the Washington State  
15 Department of Corrections as a Community Corrections Specialist (CCS). My current  
16 job assignment is as a Task Force Officer (TFO) with the Department of Justice, Bureau  
17 of Alcohol, Tobacco, Firearms and Explosives (ATF). I started as a TFO in November  
18 of 2008. During my career as a TFO, I have been involved in numerous investigations,  
19 involving the unlawful purchase and/or unlawful possession of firearms and the illegal  
20 use of firearms during crimes of violence and/or drug trafficking. I have participated in  
21 the execution of search and arrest warrants in support of these investigations. Prior to  
22 becoming a TFO, I was employed as a Community Corrections Officer with the  
23 Washington State Department of Corrections since May of 2004. Before that, I started  
24 my career in law enforcement as a Police Officer in King City, Oregon in April of 2000.  
25 I was responsible for all aspects of police patrol to include: responding to burglaries,  
26 bank robberies, domestic violence, assaults in progress, other 911 calls for assistance,  
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1 and conducting follow-up investigations. I also have received a Bachelor of Arts degree  
2 in Criminal Justice from Washington State University, Pullman in December of 1998.

3 3. The facts set forth in this Affidavit are based on my own personal  
4 knowledge, information obtained from other individuals during my participation in this  
5 investigation (including other law enforcement officers), review of documents and  
6 records related to this investigation, communications with others who have personal  
7 knowledge of the events and circumstances described herein, and information gained  
8 through my training and experience.

9 4. Because this Affidavit is submitted for the limited purpose of establishing  
10 probable cause in support of a criminal complaint, it does not set forth each and every  
11 fact that I, or others, have learned during the course of this investigation.

#### 12 SUMMARY OF PROBABLE CAUSE

##### 13 A. BATEMAN's DOC Arrest Warrant.

14 5. On March 14, 2019, Washington State Department of Corrections  
15 (DOC) Community Corrections Specialist Samuel Padula received a fugitive  
16 referral for DAVIS JOHN BATEMAN (Date of Birth: XX-XX-1985). Padula is  
17 also a Task Force Officer (TFO) with the United States Marshals Service  
18 (USMS) Washington Violent Offender Task Force. TFO Padula learned that  
19 BATEMAN had recently been indicted in the District of Oregon for charge(s)  
20 arising out of a federal drug investigation. A federal arrest warrant dated March  
21 12, 2019, was issued for BATEMAN'S arrest.

22 6. In addition, TFO Padula reviewed the DOC records and learned the  
23 following about BATEMAN'S DOC case.

24 7. On March 18, 2011, BATEMAN was sentenced in King County  
25 Superior Court under cause 11-1-01030-5 for *Conspiracy to Commit a Violation*  
26 *of the Uniform Controlled Substances Act – Delivery of Cocaine*. BATEMAN  
27  
28

1 was sentenced to a jail term and 12 months of Community Custody supervision to  
2 be monitored by the Washington State Department of Corrections.

3 8. On June 21, 2017, BATEMAN failed to report to DOC as directed  
4 and a warrant was issued for his arrest.

5 9. On November 17, 2017, BATEMAN was sentenced in King County  
6 Superior Court under cause 15-1-07318-1 for the felony crime of *Residential*  
7 *Burglary*. Bateman was given a Residential Drug Offender Sentencing  
8 Alternative (DOSA) in which a 15-20 month prison sentence was suspended in  
9 lieu of successful completion of drug treatment and 24 months of community  
10 custody supervision.

11 10. On November 17, 2017, BATEMAN was sentenced in King County  
12 Superior Court under cause 16-1-07831-8 for the felony crime of *Trafficking in*  
13 *Stolen Property in the First Degree*. BATEMAN was given a Residential DOSA  
14 sentence running concurrent to cause number 15-1-07318-1 with the same  
15 conditions (suspended 15-20 month prison sentence in lieu of drug treatment and  
16 24 months of community custody supervision).

17 11. The terms of BATEMAN's community custody supervision  
18 prohibited him from owning or possessing firearms, ammunition, explosives, and  
19 controlled substances, among other conditions.

20 12. On December 5, 2017, DOC was notified that BATEMAN started  
21 the drug treatment required by his DOSA sentence, was taken to the hospital, and  
22 was discharged from the hospital on December 4, 2017. BATEMAN failed to  
23 contact or report back to treatment or DOC, and his whereabouts remained  
24 unknown. The DOC arrest warrant remained active.

25 13. On March 21, 2019, TFO Padula adopted the fugitive case for  
26 BATEMAN and spoke with Drug Enforcement Administration (DEA) Agent  
27 Oldfield, who was the lead agent on the federal drug investigation in Oregon.  
28

1 TFO Padula learned that BATEMAN was believed to be participating in a  
2 scheme involving prescription drugs obtained by fraud.

3 14. On April 17, 2019, TFO Padula conducted an operation to locate and  
4 arrest BATEMAN. BATEMAN was not located, but TFO Padula received  
5 information from a confidential source<sup>1</sup> regarding BATEMAN'S current  
6 residence and vehicles. The residence was identified as 10858 Southeast 200<sup>th</sup>  
7 Street in Kent, Washington ("the Kent address"). Around 1800 hours, at TFO  
8 Padula's request, Seattle Police Department Detective/USMS TFO Lilje initiated  
9 surveillance at the Kent address. Detective Lilje observed two vehicles at this  
10 residence which were consistent with the information provided by the  
11 confidential source. TFO Padula determined these vehicles were a 1996 tan  
12 Chevrolet Tahoe bearing Washington license plate BBK7350 and a 2003 grey  
13 Chevrolet Silverado bearing Washington license plate C74521L. Both vehicles  
14 were registered to Christina Marie Pipkin (Date of Birth XX-XX-1980), who was  
15 identified as BATEMAN's girlfriend, but the confidential source stated that  
16 BATEMAN is known to drive both vehicles.

17 15. On April 22, 2019, from 0645 to 0835 hours, TFO Padula conducted  
18 surveillance at the Kent address. Between 0700 and 0720 hours, he observed  
19 BATEMAN doing yard work in the front yard. TFO Padula also observed that the  
20 two vehicles associated with BATEMAN were parked in the driveway.

21 **B. BATEMAN's Arrest and the DOC Search of His Residence.**

22 16. On April 23, 2019, TFO Padula conducted an arrest operation for  
23 BATEMAN. The team consisted of Deputy United States Marshal (DUSM)  
24 Westland, DUSM Kosec, DUSM Grier, DUSM Lambert, Senior Inspector Leigh,  
25  
26

27 <sup>1</sup> For the purposes of this Complaint, the confidential source should be considered an individual who is addicted to  
28 controlled substances, has a criminal record consisting of drug and traffic convictions, and anticipated receiving a  
more favorable resolution of criminal charges in exchange for providing this information.

1 Detective Williams (King County), Detective Lundin (Seattle PD), and Detective  
2 Lilje (Seattle PD). I also participated in the arrest operation. At 0630 hours, we  
3 conducted a pre-operational briefing. At approximately 0645 hours, our team set  
4 up surveillance at the Kent address.

5 17. At approximately 0900 hours, TFO Padula and I observed two  
6 individuals exit the lower level of the residence and walk toward the driveway.  
7 One subject wore a grey sweatshirt with his hood up and the other subject wore a  
8 purple crew neck sweatshirt. Detective Lundin positively identified the subject  
9 wearing the purple sweatshirt as BATEMAN. BATEMAN started the grey  
10 Chevrolet Silverado, WA-C74521L, and both subjects appeared to be preparing  
11 to enter the vehicle. In accordance with the pre-operational plan, the team moved  
12 in and contacted the two subjects. BATEMAN was arrested without incident.  
13 The other subject was identified as BATEMAN's 13-year-old son. Christina  
14 Pipkin, BATEMAN's girlfriend, was reported to be inside the residence. After  
15 several minutes of delay, Pipkin answered the door and came outside to assist  
16 with arrangements for BATEMAN's son.

17 18. TFO Padula spoke with Terry L Sullivan, who stated he lived on the  
18 same large piece of property and was the brother of Michael L Sullivan, the  
19 landlord to BATEMAN. Terry stated BATEMAN was renting the lower level of  
20 the main residence at the Kent address and had been living there for the past "6 to  
21 8 months." Based on this information, in addition to the information provided by  
22 the confidential source on April 17, 2019, TFO Padula's surveillance on April 22,  
23 2019, and TFO Padula's observations during this arrest, TFO Padula determined  
24 that the Kent address was BATEMAN's primary residence.

25 19. Based on the details TFO Padula had learned regarding the DEA  
26 investigation, he developed reasonable suspicion that BATEMAN was violating  
27 his conditions of supervision regarding the possession of controlled substances. I  
28

1 had also conducted a walkthrough of BATEMAN'S residence pursuant to DOC  
2 policy and observed two violations of his DOC conditions in plain view;  
3 specifically, two hypodermic needles near the right-side nightstand in the master  
4 bedroom and ammunition in a safe that was partially opened. Based on this  
5 information, TFO Padula and I conducted a DOC jurisdiction search of the  
6 residence for additional evidence that BATEMAN had violated the conditions of  
7 his supervision pertaining to controlled substances and ammunition.

8 20. TFO Padula asked for and received assistance in this DOC search  
9 from the other team members. During this search, the following items were  
10 discovered (location of discovery in parentheses):

- 11 a. One suspected pipe bomb – black pipe with a green fuse attached  
12 to one end (inside nightstand drawer on left side of the bed in  
13 master bedroom);
- 14 b. One black Pelican case containing miscellaneous ammunition,  
15 two rifle magazines, and one pistol magazine (inside gun safe in  
16 master bedroom);
- 17 c. One green ammo can containing three rifle magazines and .223  
18 ammunition (on top of gun safe in master bedroom);
- 19 d. One small yellow Pelican case containing 7.62 ammunition (shelf  
20 above gun safe in master bedroom);
- 21 e. One small black case containing assorted ammunition (shelf  
22 above gun safe in master bedroom);
- 23 f. One Nike shoe box containing rifle magazines, 1 pistol  
24 magazine, and 1 drum magazine (on top of gun safe in master  
25 bedroom);
- 26 g. One green ammo belt containing ten 12-gauge shotgun rounds  
27 (shelf above gun safe in master bedroom);
- 28 h. One P-MAG 7.62x39 magazine containing 11 rounds (in a box  
on the right side of the bed in master bedroom);



- i. One black with silver trim box containing nine various firearm optics/gun lights/laser (laundry room);
- j. One black law enforcement-style duty belt with holster and pouch (hallway closet);
- k. One orange Pelican case containing boxes of assorted ammunition (hallway closet);
- l. One black Pelican case containing miscellaneous rifle ammunition (hallway closet);
- m. One black Pelican case containing miscellaneous shotgun ammunition (hallway closet);
- n. One black Pelican case containing rifle and pistol magazines (hallway closet);
- o. One orange Pelican case containing boxes of primers (hallway closet);
- p. Two green ammo cans containing 7.62 ammunition (hallway closet);
- q. One green ammo can containing 30-06 ammunition (hallway closet);
- r. One green ammo can containing 5.56 ammunition (hallway closet);
- s. One green ammo can containing .270 rifle ammunition and shotgun shells (hallway closet);
- t. One green ammo can containing .223 rifle ammunition (hallway closet);
- u. One green ammo can containing assorted rifle ammunition (hallway closet);
- v. One green ammo can containing .22 ammunition (hallway closet);



1  
2 w. One green ammo can containing miscellaneous ammunition  
3 (hallway closet); and

4 x. One green ammo can containing 12 gauge shotgun ammunition  
5 (hallway closet).

6 21. After locating a suspected pipe bomb in BATEMAN's residence, we  
7 all moved back outside of the residence for our safety. I contacted ATF  
8 Explosives Enforcement Officer (EEO) Phillips. He advised me that he was out of  
9 town, but that he would contact other bomb technicians and ask them respond to  
10 our location. I also contacted ATF Special Agent (SA) Collier who is a Certified  
11 Explosives Specialist. SA Collier told me that he would respond to our location  
12 and assist with the suspected pipe bomb. A short time later, I received a call from  
13 KCSO Detective Grijalva. He advised that he and another KCSO bomb technician  
14 were en route to our location. Once Detective Grijalva, Deputy Linde and SA  
15 Collier arrived on scene, they entered the master bedroom and examined the  
16 suspected destructive device.

17 22. A second suspected pipe bomb was located during a DOC  
18 jurisdiction search of the Chevrolet Tahoe (WA license BBK7350).

19 23. TFO Padula stepped aside to speak with BATEMAN. He began by  
20 reading BATEMAN his *Miranda* warnings from a DOC-issued *Miranda* card.  
21 BATEMAN stated he understood his rights and agreed to speak with TFO Padula.  
22 TFO Padula questioned BATEMAN regarding some of the ammunition that was  
23 discovered, and BATEMAN denied that the ammunition was his. TFO Padula  
24 explained the concept of constructive possession. BATEMAN did not provide  
25 any further denials regarding the ammunition nor did he offer the "true" owner's  
26 identity. BATEMAN denied possessing any firearms. TFO Padula questioned  
27 BATEMAN about his DOC supervision, and BATEMAN discussed the  
28 circumstances of his failure to report for supervision. BATEMAN also claimed

1 that he had started methadone treatment approximately 1.5 years ago and was  
2 currently clean from his drug of choice, heroin. TFO Padula asked BATEMAN if  
3 he were to provide a urinalysis sample for testing today, what the results would be,  
4 and BATEMAN stated he would test positive for methadone and nothing else.  
5 BATEMAN was not questioned about the suspected pipe bombs at this time.

6 24. Per a discussion with DEA Agent Oldfield, TFO Padula asked  
7 BATEMAN several questions related to the DEA investigation. He advised  
8 BATEMAN there was a DEA warrant out for his arrest and that it was in relation  
9 to fraudulent prescription activity in Oregon. TFO Padula asked about a subject  
10 named "C.C.," and BATEMAN stated that he knew this individual and believed  
11 he was from Oregon. BATEMAN stated he knew C.C. had recently gotten out of  
12 federal custody and that C.C. had told him that he had seen BATEMAN's name in  
13 the "paperwork" regarding the current federal drug investigation. TFO Padula  
14 asked BATEMAN when he had last traveled to Oregon, and BATEMAN replied  
15 that it had been a number of years but he could not remember exactly how long.  
16 BATEMAN explicitly denied participating in the alleged drug activity and stated  
17 he believed that the culprits were using his name for their prescription fraud. Per  
18 Agent Oldfield, TFO Padula showed BATEMAN a surveillance photo from a  
19 pharmacy in Beaverton, Oregon. BATEMAN stated the photo was not of him. At  
20 the conclusion of this interview, TFO Padula passed all of this information along  
21 to Agent Oldfield.

22 25. Detective Lundin and Detective Lilje transported BATEMAN to the  
23 Kent Regional Justice Center to be booked on his DOC warrant only, as the other  
24 potential law violations were pending further investigation. TFO Padula and I  
25 transported all of the ammunition and related evidence to the Seattle Community  
26 Justice Center located at 1550 Fourth Avenue South in Seattle, Washington, and  
27 logged it into the property room.  
28

1           29. I read BATEMAN his Miranda rights from a department issued card  
2 at approximately 0920 hours. BATEMAN agreed to waive his rights and speak  
3 with both TFO Padula and I. BATEMAN initially denied possessing any  
4 firearms. I told BATEMAN that I did not believe him and had information  
5 indicating otherwise (which was a ruse). BATEMAN then admitted that he stored  
6 some guns at an associate's house. When questioned further, BATEMAN would  
7 not provide the name of this individual, stating he "didn't want him to go down  
8 like that" (meaning he did not want ATF seizing guns from his friend and  
9 potentially charging that individual with a crime).

10           30. BATEMAN admitted to having 12 firearms, some of which he  
11 described as AR-style rifles. When questioned further about these guns,  
12 BATEMAN said he would not provide any further information unless I agreed to  
13 get all charges against him dropped. I explained to him this was unlikely to  
14 happen, but I told BATEMAN that I would speak to the prosecutor and inform  
15 him or her of BATEMAN's cooperation. If BATEMAN cooperated, the  
16 prosecutor and I could discuss providing him consideration for sentencing on any  
17 new criminal matters. I also told BATEMAN that I was not interested in charging  
18 him with any additional firearms offenses, but rather, that I wanted to get the guns  
19 off the street. That was not sufficient for BATEMAN, who wanted me to  
20 guarantee that he would not be charged for the two pipe bombs and ammunition  
21 that were recovered from his residence.

22           31. BATEMAN ultimately became frustrated and was unwilling to  
23 provide any further information. BATEMAN ended the interview by telling TFO  
24 Padula and I to "suck my d\*\*\*" multiple times and added "good luck finding  
25 them" (referring to locating the 12 firearms). BATEMAN was then escorted back  
26 to his cell by King County jail staff.  
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1 **D. Interstate Nexus Examination of the Ammunition.**

2 32. On May 9, 2019, I contacted ATF SA Claudia Grigore. SA Grigore has been  
3 trained and is considered an expert in the recognition of firearms and ammunition and their  
4 origin of manufacture. SA Grigore reviewed the following rounds of ammunition  
5 recovered from BATEMAN's residence, which is a small sample of the total amount of  
6 ammunition recovered in this case:

- 7 a. One round of Wolf .223 caliber ammunition;  
8 b. One Federal 12 gauge shotgun shell;  
9 c. One Federal 20 gauge shotgun shell;  
10 d. One round of Remington .44 magnum ammunition;  
11 e. One round of 7.62x39 ammunition;  
12 f. One round of PMC 5.56 ammunition; and  
13 g. One round of WPA .30-06 ammunition.

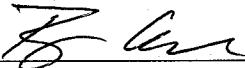
14 33. SA Grigore determined that the seven rounds listed above were not  
15 manufactured in the State of Washington and, therefore, must have traveled in interstate  
16 commerce prior to being possessed in the State of Washington.

17 **E. Examination of the Suspected Pipe Bombs.**

18 34. On May 14, 2019, I spoke with ATF EEO Phillips. He examined the  
19 suspected pipe bombs located in BATEMAN's residence and vehicle. Based on his field  
20 examination, EEO Phillips opined that ATF would likely consider these devices to be  
21 destructive devices that require registration under the National Firearms Act (NFA). On  
22 May 8, 2019, I contacted the ATF NFA branch and learned that BATEMAN does not have  
23 any devices legally registered to him under the NFA. Additionally, ATF would consider  
24 the devices to be explosives under Title 18, United States Code, Chapter 40. EEO Phillips  
25 stated he would issue a final device determination after an explosive chemistry examination  
26 was completed at the ATF Laboratory and after sending his report for peer review.

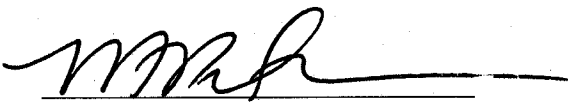
CONCLUSION

35. Based on the foregoing facts, I respectfully submit there is probable cause to believe DAVIS JOHN BATEMAN has committed the crime of Felon in Possession of Ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

  
RYAN KOWALCHUK, Complainant  
Task Force Officer, ATF

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offense set forth in the Complaint.

DATED this 17<sup>th</sup> day of May, 2019.

  
HON. MICHELLE L. PETERSON  
United States Magistrate Judge